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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 09/854,997 | 05/14/2001 | Scott T. Franson | VIK01 P-340 | 1188 |
| 28101 | 7590 | 01/06/2004 | EXAMINER | |
| VAN DYKE, GARDNER, LINN AND BURKHART, LLP 2851 CHARLEVOIX DRIVE, S.E. P.O. BOX 888695 GRAND RAPIDS, MI 49588-8695 | | | HWU, DAVIS D | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 3752 | |

DATE MAILED: 01/06/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant N .

09/854,997

Applicant(s)

FRANSON ET AL. 

Examiner

Davis Hwu

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 5-28, 30-34, 39 and 40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 8-11, 13-28 and 30-34 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 12, 39 and 40 is/are rejected.
- 7) ☒ Claim(s) 6 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

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Response to Amendment

1. Applicant's amendment of December 12, 2003 is acknowledged and entered as paper number 14.
2. Applicant's remarks have been fully considered but they are moot in view of the following new grounds of rejection.

Claim Rejections - 35 USC § 102

3. Claims 1-3, 5, 7, 12, 39, and 40 are rejected under 35 U.S.C. 102(b) as being anticipated by Polan '616.

Polan '616 shows a sprinkler head for a fire extinguishing system comprising:

- a sprinkler body 16 having an orifice defining an inlet 18 and an outlet 20;
- a body extension comprising parts 26, 70, and 72 attached to the sprinkler body and having an extending section extending below the outlet of the sprinkler body, the extending section being formed with an inwardly extending section member as recited in claim 1 (see Figure 2);
- a retaining member 60a positioned below the outlet and within the body extension, the retaining member mounted to be movable relative to the body extension and sprinkler body;
- a deflector 34 movable between an activated position and a storage position within the body extension and having at least one support arm 60 projecting therefrom, the retaining member coupled to the at least one support arm at a fixed distance from the deflector, the support movably disposed within the

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- body extension wherein the deflector and the retaining member are positioned within the body extension when in the storage position;
- a sealing assembly 38 configured to sealingly engage the outlet of the sprinkler body, the sealing assembly movable from a closed position wherein the sprinkler head is inactive to an open position wherein the sprinkler head is activated; and
- a trigger assembly comprising levers 44 and 46 carried by the body extension and operably connected with the sealing assembly and deflector wherein the retaining member is captured and halted by the extending section of the body extension when the sprinkler head is activated and the deflector is deployed to its extended position (Column 3, lines 45-48);

Allowable Subject Matter

4. Claim 6 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
5. Claims 8-11, 13-28, and 30-34 are allowed.

Conclusion

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Davis Hwu whose telephone number is 703-305-1663. The examiner can normally be reached on M-F 7:30 AM to 4:00 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Y. Mar can be reached on (703)308-2087. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)308-0861.

A handwritten signature in black ink, appearing to read 'Davis Hwu', with a stylized, cursive-like flourish.

Davis Hwu